

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MICHAEL ALFORD, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
February 23, 2006

Petitioner-Appellee,

v

KASI ALFORD,

Respondent-Appellant.

No. 264512
Macomb Circuit Court
Family Division
LC No. 94-040316-NA

Before: Cooper, P.J., and Jansen and Markey, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(h), (i), and (j).¹ We affirm. We decide this case without oral argument under MCL 7.214(E)(1)(b).

The trial court did not clearly err in determining that MCL 712A.19b(3)(h) was established by clear and convincing evidence. MCR 3.977(J). Even if respondent were released at her earliest possible date, a period of over 22 months would have elapsed. As the trial court stated, it would not be reasonable to think that Michael, aged three at the time of the termination hearing, could be returned to respondent immediately upon her release. Although respondent participated in many programs while in prison, she could not participate in the services required of a parent-agency treatment plan and could not participate in all of the services required for the return of her child. Therefore, Michael would be deprived of a normal home for a period exceeding two years. Respondent did make arrangements for the care of Michael while she was in prison. Unfortunately, Michael's grandmother was unable to continue to care for Michael because of illness. Therefore, respondent was not able to make arrangements for Michael for the entire period of her incarceration. Therefore, the trial court did not clearly err in finding that

¹ The order terminating parental rights also lists subsection (a)(i) as a ground for termination, but petitioner concedes that this was a typographical error and that section (a)(i) did not apply to respondent.

subsection (h) was established by clear and convincing evidence. Because at least one statutory ground was established, any error in finding that clear and convincing evidence established the other statutory grounds is harmless.

The trial court also did not clearly err in its best interests determination. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). At Michael's young age, he required permanency and stability that respondent could not provide within a reasonable time. Therefore, the trial court properly found that termination of respondent's parental rights did not contravene Michael's best interests.

Affirmed.

/s/ Jessica R. Cooper
/s/ Kathleen Jansen
/s/ Jane E. Markey